

LEGISLATIVE RESEARCH COMMISSION

MOTORBOAT TITLES AND INSURANCE



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**REPORT TO THE
1983 GENERAL ASSEMBLY
OF NORTH CAROLINA
1984 SESSION**

LEGISLATIVE RESEARCH COMMISSION

MOTORBOAT TITLES AND INSURANCE



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**REPORT TO THE
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1984 SESSION**

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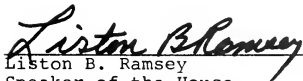


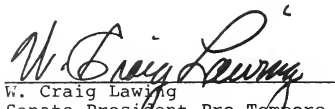
June 7, 1984

TO THE MEMBERS OF THE 1983 GENERAL ASSEMBLY:

This is the Legislative Research Commission's report to the 1983 General Assembly, Second Regular Session (1984), on the matters of motorboat titles and motorboat liability insurance. This report is made pursuant to Sections 1(36) and 4 of 1983 Session Laws Chapter 905 (HB 1142), was prepared by the Legislative Research Commission's Motorboat Study Committee, and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,


Liston B. Ramsey
Speaker of the House


W. Craig Lawing
Senate President Pro Tempore

Cochairmen
Legislative Research Commission

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INTRODUCTION

The Legislative Research Commission is authorized, at the direction of the General Assembly, "to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" and "to report to the General Assembly the results of the studies made," which reports "may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations." G.S. 120-30.17. The Commission is chaired by the Speaker of the House and the President Pro Tempore of the Senate, and consists of five Representatives and five Senators, who are appointed respectively by the Cochairmen.

On the authorization of the 1983 General Assembly, the Commission is undertaking studies of various matters, which have been arranged into groups according to related subject matters. See Appendix A for a list of the Commission members. Pursuant to G.S. 120-30.10(b) and (c), the Commission Cochairmen have appointed committees consisting of legislators and public members to conduct the studies. Each member of the Commission has been delegated the responsibility of overseeing one group of studies and causing the findings and recommendations of the committees to be report to the Commission. In addition, one Senator and one Representative from each

committee have been designated cochairmen. See Appendix B for a list of the Motorboat Study Committee members.

During the latter part of the First Regular Session of the 1983 General Assembly, the question of creating a title system for motorboats in North Carolina (instead of or supplemental to boat number certificates) was debated by some of the members of the Joint Appropriations Committee on Natural and Economic Resources. Realizing that it was too late in the Session to adequately address the matter, language was added to House Bill 1142 to authorize the Legislative Research Commission to study motorboat titles and the issue of liability insurance for operators of motorboats. See Appendix C for the legislation authorizing the study.

Consequently, the study was funded by the Commission and, as previously mentioned, the Committee members were appointed. The Committee was allocated funds in an amount that would allow only two meetings. For that reason, the Committee postponed its meeting activity until 1984.

COMMITTEE PROCEEDINGS

The Committee held two meetings prior to the publication of this report. The first was on January 19, 1984, and the second was on March 15, 1984. Details of those meetings are contained in the Committee minutes, which are on file in the Legislative Library. These minutes include descriptions of the proceedings of the meetings, copies of all documents that

were distributed, and the names and affiliations of persons who attended the meetings.

FINDINGS AND RECOMMENDATIONS

I. The disadvantages of implementing and maintaining a system of titles for motorboats clearly outweigh any advantages. The experience in South Carolina has caused many administrative problems for state agency personnel and the public, and has not been cost-effective. Only thirteen states in the country require titles for motorboats. The implementation of a title system in North Carolina would require additional funds for the Wildlife Resources Commission's budget for additional personnel and equipment as well as increased fees that would be charged to owners of motorboats. An analysis of the requirements for implementing a boat titling program appears in Appendix D. The Committee was informed by Wildlife Resources Commission officials that the present number certificate system (Article 1 of General Statutes Chapter 75A) is sufficient. The Committee therefore recommends no change in this system.

II. Liability insurance for operators and owners of motorboats is available in North Carolina in a number of ways.

Yacht Insurance covers inboard boats and sailboats with inboard auxiliary power. "Protection and indemnity" coverage insures the owner's legal liability for personal injury and property damage to wharves, piers, docks, and other permanent harbor installations. "Running down" coverage is provided as

part of the hull insurance and insures the owner's legal liability for property damage to another vessel. Medical payments coverage is also available for injuries to guests aboard the boat.

For outboard motorboats, coverage can be obtained under inland marine, homeowners, and comprehensive personal liability insurance lines. Personal injury and medical payments coverages are not usually included under inland marine policies; and liability coverage is generally limited to property damage.

Personal injury and medical payments liability coverages are available to outboard motorboat operators under the other two lines of insurance. Under homeowners (and renters) insurance policies, personal injury liability and medical payments coverages are automatically included in the policy unless the vessel:

- (1) has inboard or inboard-outdrive motor power of more than 50 horsepower, or
- (2) is a sailing vessel 26 feet or more in overall length, or
- (3) is powered by one or more outboard motors with more than 25 total horsepower.

Of course, these coverages are available for an extra premium for vessels that are not automatically included in a homeowners policy. A boat owner who does not have a homeowners insurance policy can usually obtain liability coverage for his

boating activities under a comprehensive personal liability insurance policy.

The Committee did not find any problems in this area that warrant legislation; and the Committee most certainly does not believe that any system of mandated liability coverage is needed or practical. Unlike our automobile insurance system, there is no standard line of insurance for motorboat liability; nor is there a similar registration plate system to which proof of financial responsibility can be connected. A mandatory system would require insurers to accept all applicants and would require the creation of a residual market mechanism (such as an assigned risk plan, joint underwriting association, or reinsurance facility or exchange) to cover bad risks that would normally be unacceptable to insurers. There is not one state that requires such insurance of boat owners. The Committee therefore recommends no change in this area.

III. During the preliminary work of the Committee, the issue of the role of alcohol in recreational boating accidents, injuries, and fatalities arose when the National Transportation Safety Board issued a safety study entitled "Recreational Boating Safety and Alcohol." Among other matters, the report surveyed the laws of the states on operating boats while under the influence of alcohol or drugs and on the use of chemical tests to determine the level of persons' alcohol contents. As far as North Carolina is concerned, the Board has recommended that the State enact legislation to (1) clearly define the level of legal intoxication for

recreational boat operators, (2) allow a chemical test of blood, breath, or urine if a recreational boat operator is suspected of being intoxicated, and (3) allow toxicological tests in the event of a recreational boating accident fatality.

The North Carolina Boating Safety Act presently prohibits operating a vessel "while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana." (G.S. 75A-10(b)) Violation of the law is a misdemeanor, and the punishment prescribed is a maximum fine of \$500.00 or maximum imprisonment of six months, or both. Prior to the Safe Roads Act of 1983, the term used for operators of automobiles who had imbibed more than they should have was "driving under the influence" of alcohol. The legal definition of the new Safe Roads Act term "driving while impaired" is identical to that of "driving under the influence." In State v. Painter, 261 N.C. 332 (1964), the Supreme Court of North Carolina compared the terms "under the influence" and "intoxicated," and found a substantial difference between them. The Court said a person is under the influence if he has "drunk a sufficient quantity of some intoxicating beverage as to cause him to lose the normal control of his mental or physical faculties to such an extent that there is an appreciable impairment of either or both of those faculties." The Court then said a person is "intoxicated" or "drunk" when he is "so far under the influence of intoxicating liquor that his passions are visibly excited or his judgment materially impaired, or when his brain

is so far affected by potations of intoxicating liquor that his intelligence, sense-perceptions, judgment, continuity of thought or of ideas, speech and coordination of volition with muscular action, or some of these faculties or processes are materially impaired." Because the term "intoxicated" is by definition a higher state of inebriation than the term "under the influence of alcohol," the standard for drinking and boating is therefore not as strict as that for drinking and driving. North Carolina boating accident statistics for 1982 that were compiled by the Wildlife Resources Commission appear in Appendix E.

The Committee recommends that the issues raised by the National Transportation Safety Board be studied and that boating safety statistics be monitored and evaluated to determine whether or not North Carolina's Boating Safety Act should be amended. Two important factors prevented the Committee from doing this: (1) The Committee's budget allowed only two meetings; and (2) the Committee was authorized to report to the General Assembly only in 1984. The Committee therefore recommends that the General Assembly direct the Wildlife Resources Commission to perform this duty. Legislation directing the Wildlife Resources Commission to study these subjects and report to the 1985 General Assembly appears in Appendix F.

IV. During its study of North Carolina boating safety laws, the Committee discovered that two groups that had been created by statute were inactive: The North Carolina Water

Safety Committee (G.S. 75A-20) and the North Carolina Water Safety Council (G.S. 143B-314). The Committee was informed by Wildlife Resources Commission officials that the duties of these entities were being carried out by a special committee of the Commission. The Committee therefore recommends that the statutes affecting these two entities be repealed. Legislation that would accomplish this appears in Appendix G.

V. The Wildlife Resources Commission conducts a boating safety training course in the public schools, in which every year more than 80,000 persons of age 12 to 16 years are taught boating safety techniques and principles and are made aware of the boating laws. There is evidence that the subject matter learned in this course can be passed on by the students to other family members who might operate motorboats. The Committee recommends expanding the course to reach more people outside of the public schools and that the Wildlife Resources Commission (1) purchase boating safety training films from the United States Coast Guard and (2) produce public service messages on boating safety for broadcast over radio and television. Boating accident statistics show that youth or inexperience on the water does not necessarily account for many of the reported accidents. See the accident related age and experience statistics in Appendix E.

In order to implement these recommendations, the Commission will need adequate funding through the General Assembly appropriations process. To this end, the Committee recommends that the 1983 General Assembly, in its Second Regular Session

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1983-84

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Asheboro

1984, appropriate to the Department of Natural Resources and
Community Development the funds necessary for the Wildlife
Resources Commission to carry out the recommendations of this
Committee.

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



MOTORBOAT STUDY COMMITTEE
1983-1984

Commission Member

Representative John J. Hunt
Lattimore

Committee Cochairmen

Senator Melvin R. Daniels, Jr.
Elizabeth City

Representative Mary P. Seymour
Greensboro

Committee Members

Representative Frank W. Ballance, Jr.
Warrenton

Representative James W. Crawford, Jr.
Oxford

Mr. Charles R. Fullwood
Raleigh

Mr. J. Scott Harrell, Sr.
Edenton

Representative James E. Lambeth, Jr.
Thomasville

Mr. Charles A. Paxton
Harrisburg

Representative Margaret Stamey
Raleigh

Senator Dennis J. Winner
Asheville

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1983
RATIFIED BILL

CHAPTER 905
HOUSE BILL 1142

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION
AND BY THE COMMISSION ON CHILDREN WITH SPECIAL NEEDS AND MAKING
TECHNICAL AMENDMENTS RELATING THERETO.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1983 bill or resolution that originally proposed the study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- * * *
- (36) Motorboat Titles and Liability Insurance, as
contained in Section 4 of this act,

* * *

Sec. 4. Motorboat Titles and Liability Insurance. The Legislative Research Commission of the General Assembly is authorized to study the issue of motorboat titles and liability insurance. The study may include start-up and administrative costs, potential revenues, phase-in plans, financial institution requirements, etc. The Commission may report to the 1984 Session.

* * *

Sec. 14. This act is effective upon ratification.
In the General Assembly read three times and ratified,
this the 21st day of July, 1983.

JAMES C. GREEN

James C. Green
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives



North Carolina Wildlife

Resources Commission

Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611, 919-733-3391

March 1, 1984

MEMORANDUM

TO: ✓ Senator Melvin Daniels
Representative Mary Seymour

FROM: W. Vernon Beville *W. Vernon Beville*

SUBJECT: Information Requested by your Study Committee on Boating

Attached please find copies of information on boat titling and boating safety that has been developed by our agency. I believe that this information covers all the questions you presented to us.

Our Enforcement Division seems to be comfortable with existing statutes dealing with wreckless operation of a motorboat as well as operating same while intoxicated. When compiling the boating safety information we noted that fatalities involving alcohol did increase in 1982, with 5 of the 33 fatalities believed to be linked to excessive drinking (See page 2 of the Enforcement Division report under Alcohol/Fatalities). I note for you the prospect that with implementation of the Safe Roads Act in October 1983, the number of alcohol-related boating fatalities may also decline due to people being more aware of their need to be able to drive an automobile after boating. We would like to carefully observe the occurrence of alcohol-related boating accidents to see whether the Safe Roads Act will help on the water— if only in an indirect way.

Please note when considering the fatality analysis information that the various breakdowns in our report are based on 1982 statistics involving 33 deaths.

As we spent some time discussing the merits of a licensing process for boat operators, I want to point out that the boat operator's age was under 16 only in one case during 1982. Based on this information I would question whether any special licensing program would be worth the cost of administration. Also, most operators involved in fatal accident situations indicated having at least 500 hours of experience.

J. Robert Gordon, Laurinburg
Chairman

W. Vernon Beville, Raleigh
Executive Director

M. Woodrow Price, Gloucester
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Eddie C. Bridges, Greensboro

Joe Carpenter, Jr., Fayetteville
Polie Q. Cloninger, Jr., Dallas
Dr. John C. Hamrick, Jr., Shelby
Henry (Buck) Kitchin, Rockingham

Dan Robinson, Cullowhee
Donald Allen Thompson, Mount Gilead
Jerry W. Wright, Jarvisburg

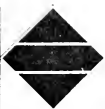
-2-

When the idea to develop a boat titling program first surfaced last session, we did have some interest in this proposal. However, after considerable study and discussion with other states, we now believe that a titling program would create many concerns for us as well as the boater. Our operations are housed on the 3rd and 4th floors of the Archdale Building, and we do not have enough space available to implement and manage a titling program.

We hope that the attached information will satisfactorily answer all of the Committee's questions. Sometimes we wonder what good all the statistics we record are really worth. We are pleased to have this kind of detailed information available when called upon to participate in Committees such as yours.

WVB:dt

Enclosures



North Carolina Wildlife

Resources Commission

Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611, 919-733-3391

February 24, 1984

MEMORANDUM

TO: W. Vernon Bevill
Executive Director

FROM: Helen Gournas, Supervisor
Motorboat Registration

SUBJECT: BOAT TITLING PROGRAM

In response to your request for information to identify personnel, equipment and other needs required to implement and maintain a program of titling boats in North Carolina, we submit the following information:

Estimated Number

There are in excess of 191,000 boats registered in North Carolina. Our records indicate that at least 100,000 of these boats are 15 feet long or over. In addition to those 15 feet and over, there will be sailboats and boats with electric motors which prior to January 1, 1984 were not required to be registered, but would be subject to titling requirements. We estimate around 150,000 boats would initially be subject to titling.

Needs

Our present staff, equipment and space will be inadequate to title boats. The boat registration program fully utilizes all of our present resources. To implement the titling program the following basic needs must be provided. (Needs shown would be ongoing, unless identified as one-time.)

Estimated Costs

	<u>1st Year</u>	<u>Future Years</u>
Personnel - 5 additional positions	\$66,074	\$66,074
Office Equipment (one time)	7,058	---
Telephone Service (5 instruments, 2 lines)	1,200	1,000
Supplies	4,000	4,000

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Donald Allen Thompson, Mount Gilead
Jerry W. Wright, Jarvisburg

<u>Needs</u>	<u>1st Year</u>	<u>Future Years</u>
Printing	\$ 60,000	\$ 30,000
Postage	70,000	40,000
* Data Processing Service (Includes Programming)	12,500	8,000
PIN Information System (Equipment Rental)	5,000	5,000
Travel	2,000	200
Service & Maintenance Contract	400	400
Office Space Rental (400 sq. ft. @ \$5.50)	2,208	2,208
Advertising/Promotion (one time)	2,000	---
* Additional Data Processing Personnel and Equipment will also be required:		
Two positions, plus equipment	<u>29,702</u>	<u>25,861</u>
TOTALS	\$262,142	\$182,743

Implementation

It is felt that a period of 8-12 months would be required for implementation in order to provide for the following:

1. Procedure - procedures would have to be worked out to cover every phase of the titling program. This may entail traveling to other agencies/states to review their titling programs.
2. Programming - computer programs must be written to handle the boat titling program. Maintenance to the programs would be an ongoing need.
3. Forms - designing and securing the appropriate forms.
4. Informing the Public - public awareness of the effective date of boat titling requirement would necessitate that time and effort to inform the public be given prior to the effective date.
5. Training - training, which may include travel to other agencies/states, may be required to thoroughly inform individuals who would be responsible for titling program, in order that they may train other employees.
6. Personnel and Equipment, Space and Telephone - establish positions and secure equipment, space and telephones.
7. Other - some other factors which will have a bearing on a titling program would include:
 - a. Insurance requirements - if any
 - b. Liens
 - c. Sales and Use Tax
 - d. Hull Identification Number Requirements (only 65% of our registered boats have hull I.D. numbers)
 - e. Dealer titling program
 - f. Titling requirements for motorboats only, or to include boats without motors.

The boat titling program would double the workload of our Boat Registration Section. Even with additional positions, all currently registered boats could not be titled at once. Implementation would need to be effective upon purchase of a new boat, at registration renewal date for other boats, and, of course, when boat ownership changes. This would stagger the titling of those boats already in use. Thereafter a boat would need to be titled when purchased, title changed when ownership of boat changed.

The revenues for titling boats would need to be adequate to cover the cost of the titling program.

VWB/bbr

Attachments: (1) Application for Vessel Number
(2) Transfer of Ownership for Vessels Registered in
North Carolina

cc: Mrs. Connie Spivey

48009
REV. 11/83

NORTH CAROLINA APPLICATION FOR VESSEL NUMBER

INSTRUCTIONS: Complete all blanks on the application form and send with check or money order for registration fee indicated to: BOAT REGISTRATION
SECTION N.C. WILDLIFE RESOURCES COMMISSION, ARCHAEOLOGICAL BUILDING, RALEIGH, N.C. 27611. ALLOW 30 DAYS FOR PROCESSING.
PURCHASED FROM

OWNER

NAME (PRINT) ADDRESS	NAME OF FIRM OR INDIVIDUAL STREET, ROUTE OR BOX CITY	NAME STREET, ROUTE OR BOX CITY
LAST	FIRST	MODEL
REGISTRATION PERIOD AND FEE (check one)		
<input type="checkbox"/> ONE YEAR \$ 5.50 <input type="checkbox"/> THREE YEARS \$13.00		
VESSEL DESCRIPTION		
MAKE OF VESSEL _____ "MANUFACTURER" (if homemade put "HM") PREVIOUS REGISTRATION NUMBER _____ (check one) HULL CONSTRUCTION <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> ALUMINUM <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> PLASTIC <input type="checkbox"/> OTHER	YEAR BUILT OR YEAR MODEL _____ LENGTH IN FEET _____ HULL I.D. NUMBER _____ IF ANY: STATE OF PRINCIPAL USE IN N.C. OR OTHER: _____ FUEL USED <input type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL <input type="checkbox"/> OTHER DEMONSTRATION <input type="checkbox"/> COMMERCIAL PASSENGER <input type="checkbox"/> OTHER COMMERCIAL <input type="checkbox"/> OTHER	PURCHASE PRICE \$ _____ DEALER OR MANUFACTURER DEMONSTRATION NUMBERS <input type="checkbox"/> INITIAL CERTIFICATE \$28.00 <input type="checkbox"/> ADDITIONAL CERTIFICATE \$10.00 (Limit Vessel Description below)
TYPE OF VESSEL <input type="checkbox"/> OPEN <input type="checkbox"/> CABIN <input type="checkbox"/> HOUSEBOAT <input type="checkbox"/> OTHER		
I certify that the information given is correct and that I own the vessel described above.		
A HANDLING FEE FOR AMOUNT OF CHECK - UP TO \$10.00 - ON RETURNED CHECKS (G.S. 28-2-218)		SIGNATURE OF OWNER _____ DATE _____

MBR-7
REV. 11/83

TRANSFER OF OWNERSHIP For Vessels Registered in North Carolina

INSTRUCTIONS: Complete this form and send with check or money order for fee indicated under part 4, to: BOAT REGISTRATION SECTION,
N. C. WILDLIFE RESOURCES COMMISSION, ARCHAIDE BUILDING, RALEIGH, N. C. 27611.

1. VESSEL DESCRIPTION

NC VESSEL NUMBER _____ MAKE (MANUFACTURER) _____ YEAR BUILT (IF KNOWN) OR YEAR MODEL _____ LENGTH _____ HULL I.D. NUMBER (IF ANY) _____

2. FORMER OWNER (seller)

NAME(S) (PRINT) _____ I certify that I have transferred all interest in this vessel to _____

DATE SOLD _____ FORMER OWNER'S SIGNATURE _____

NOTE: If purchased by a dealer, dealer must complete

BUSINESS NAME _____

DEALER'S SIGNATURE _____

DATE SOLD BY DEALER _____

3. NEW OWNER

NAME (PRINT) _____ (LAST) _____ (FIRST) _____ (MIDDLE) _____ ADDRESS _____ (STREET - RFD OR BOX) _____ (CITY) _____ (STATE) _____ (ZIP CODE) _____

I certify that I am the new owner of this vessel. _____ SIGNATURE OF NEW OWNER _____ DATE _____

4. FEE \$5.50 (1-year registration desired)
OR
\$13.00 (3-year registration desired)

ALLOW 30 DAYS FOR PROCESSING

NORTH CAROLINA BOATING ACCIDENT STATISTICS - 1982

	<u>1982</u>	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>
Boating Accidents	110	101	135	143	159
Boating Fatalities	33	34	45	56	50
Boats Registered	191,037	188,636	193,058	191,783	191,061
Boat Law Prosecutions	2,105	2,779	4,308	4,934	4,812
Warning Tickets	2,718	288	-	-	-
Reportable Property Damage	\$475,982	\$305,863	\$305,765	\$374,098	\$339,450

ANALYSIS OF FATAL BOATING ACCIDENTS ONLY (1982)

<u>Month</u>	<u>Day</u>	<u>Time</u>
January 0	Monday 5	Morning 8
February 1	Tuesday 4	Afternoon 17
March 2	Wednesday ... 1	Night 8
April 3	Thursday 2	Unknown 0
May 4	Friday 3	
June 8	Saturday 14	
July 5	Sunday 4	
August 5		
September 3		
October 1		
November 0		
December 1		

TYPE WATER/FATALITIES (1982)

Sound or Bay	8
Small Lake/Pond	5
River	7
Ocean	0
Inlet	2
Lake	9
Intracoastal Waterway	0
Creek	2

OPERATOR'S BOATING EXPERIENCE/FATALITIES (1982)

Under 20 hours	3
20 to 100 hours	3
100 to 500 hours	5
Over 500 hours	14
Unknown	8

APPENDIX E

-2-

CAUSES OF FATAL ACCIDENTS (1982)

Fell overboard	11
Fell overboard - collision with fixed object	2
Fell overboard - standing in moving boat	1
Fell overboard - moving in boat	1
Capsized boat - caught by large sea swell	4
Capsized boat - strong current	2
Capsized boat	2
Capsized boat - overloading	2
Collision with other boat	1
Collision with fixed object	2
Sailboat - hit overhead power line - beaching	3
Attempting to tow drifting boat (swimming)	2

ALCOHOL/FATALITIES

Toxicology tests indicate that 12 of those who died in boating accidents during 1982 had alcohol in their blood. Excessive drinking was a contributing factor in at least 5 boating deaths.

1. There were 14 arrests for reckless operation of a motorboat during 1983.
2. There were 4 arrests for operating a motorboat while intoxicated during 1983.
3. There were 82,007 young people who received our Boating Safety Training Course during the 1981-82 school year.

Please note an increase in number of persons who died in boating accidents with alcohol in their blood (12 of 33 in 1982, 5 of 34 in 1981)

APPENDIX E

FATALITIES/BOAT SIZE - 1982

<u>Boat Size (Length)</u>	<u>No. of Fatalities</u>
9 feet	1
10 feet	2
12 feet	1
13 feet	1
14 feet	7
15 feet	1
16 feet	6
17 feet	2
18 feet	8
19 feet	1
21 feet	1
22 feet	1
65 feet	1

FATALITIES/OPERATOR AGE

<u>Operator Age</u>	<u>No. of Fatalities</u>
Under 16	1
16-20	1
20-29	8
30-39	8
40-49	8
50-59	5
60-69	2
70-79	0
No operator	0
Unknown	0

INTRODUCED BY:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO
3 STUDY THE ROLE OF ALCOHOL IN RECREATIONAL BOATING AND
4 THE NEED FOR IMPLEMENTING RECOMMENDATIONS OF THE
5 NATIONAL TRANSPORTATION SAFETY BOARD.

6 Whereas, the National Transportation Safety Board has
7 recommended that the General Assembly amend the Boating
8 Safety Act (Article 1 of General Statutes Chapter 75A) to
9 (1) clearly define the level of legal intoxication for
10 recreational boat operators in order to strengthen the
11 State's enforcement program for reducing accidents, fatali-
12 ties, injuries, and property damage caused by the use of
13 alcohol; (2) allow a chemical test if a recreational boat
14 operator is suspected of being intoxicated; and (3) allow
15 toxicological tests in the event of a recreational boating
16 accident fatality; and

17 Whereas, the Boating Safety Act prohibits operating a
18 motorboat or vessel while intoxicated; that the term "intox-
19 icated" is synonymous with the term "drunk"; that this term
20 is by definition a higher state of inebriation than "under
21 the influence" of alcohol; and that the Act does not provide
22 for chemical tests to determine the alcohol content in
23 persons suspected of violating the Act; and
24

1 Whereas, a study should be made of (1) this State's
2 and other states' laws on alcohol and boating and (2) the
3 1983 recommendations of the National Transportation Safety
4 Board to determine whether or not changes to the Boating
5 Safety Act should be made; Now, therefore,

6 The General Assembly of North Carolina enacts:

7 Section 1: The Wildlife Resources Commission is
8 directed to study the matter of alcohol and recreational
9 boating safety. The Commission may include in its study
10 analyses and evaluations of North Carolina's and other
11 states' statutes and case law, the National Transportation
12 Safety Board's studies and recommendations that are related
13 to this subject, and North Carolina statistics on alco-
14 hol-related boating accidents.

15 Sec. 2. The Commission shall report its findings
16 and recommendations, together with any recommended legisla-
17 tion, to the 1985 General Assembly.

18 Sec. 3. This act is effective upon ratification.
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INTRODUCED BY:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL STATUTES RELATING TO THE NORTH CAROLINA
WATER SAFETY COMMITTEE AND WATER SAFETY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-314 through G.S. 143B-316
are repealed.

Sec. 2. The title of Article 2 of General Stat-
utes Chapter 75A is rewritten to read:

"Local Water Safety Committees."

Sec. 3. G.S. 75A-20 through G.S. 75A-25 are
repealed.

Sec. 4. G.S. 75A-15(a) is amended in the first
sentence by substituting the word, "In" for the words, "Upon
petition to it in"; and in the second sentence by striking
the words, "in accordance with any standards that may have
been developed by the North Carolina Water Safety Commit-
tee".

Sec. 5. G.S. 75A-15(b) is amended by rewriting
the first paragraph to read:

"Any subdivision of this State may, but only after
public notice, make formal application to the Wildlife
Resources Commission for special regulations on waters
within the subdivision's territorial limits as to the

1 matters listed in subsection (a) of this section. The
2 Wildlife Resources Commission may, in accordance with
3 applicable provisions of General Statutes Chapter 150A,
4 adopt special regulations for local areas of water defined
5 by the Commission that are found to be heavily used for
6 water recreation purposes by persons from other areas of the
7 State and as to which there is not coordinated local inter-
8 est in regulation."

9 Sec. 6. This act is effective upon ratification.

